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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,199	07/20/2000	John E. Parker	460079.403	3569
7590	07/28/2004		EXAMINER	
Thelen Reid & Priest LLP P O Box 640640 San Jose, CA 95164-0640			BOYCE, ANDRE D	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/620,199	PARKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre Boyce	3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 April 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-30 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2004 has been entered.
  
2. Claims 1, 17, and 24 have been amended. Claims 31-42 have been canceled. Claims 1-30 are pending.
  
3. The previously pending objection to claim 31 has been withdrawn.
  
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

5. Claims 1-20, 22, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar et al (USPN 5,848,395), in view of Miller (USPN 6,101,481).  
  
As per claim 1, Edgar et al disclose method in a computer system for dynamically creating a schedule of timeslot segments for a plurality of routes and timeslots

(appointment booking and scheduling system 10), the method comprising: determining from a calendar, a set of possible route types for a selected day and a template identifier (routes 31 contained in table 30 for each day in a predetermined window, see figure 3); based upon the determined set of possible route types, retrieving a set of available route types from a template (table 30 for storing a plurality of routes, column 1, lines 17-20 and figure 3) identified by the template identifier (appointment server 12), wherein the available route types are also members of the set of possible route types (offer of possible appointments to customers, see column 2, lines 20-22); for each available route type, determining a set of routes for the selected day (i.e., routes 31); for each set of routes, creating in a data repository a set of schedulable timeslot segments that correspond to the selected day (database 11, see figure 1). Edgar et al does not disclose the template being a master pattern from which a copy may be made to create the schedule. Miller discloses a task management system (figure 1), wherein a list of tasks is organized into a schedule (column 6, lines 15-24). Further, Miller discloses a data input template (figure 2), wherein the template is a copy of a past task that provides a framework for planning a similar future task (column 7, lines 17-21). Both Edgar and Miller are concerned with effective scheduling management, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the template (i.e., table as seen in Edgar) being a master pattern from which a copy may be made to create the schedule in Edgar, as seen in

Miller, in order to save time and facilitate continuous improvement when the templates are improved after each use (Miller, column 7, lines 20-21).

As per claim 2, Edgar et al disclose for each set of routes, determining a set of timeslots, wherein a portion of the set of schedulable timeslot segments are created to correspond to each timeslot (i.e., the number of routes 31 corresponding to each day in table 30, wherein the route including a start and end time, see column 2, lines 8-11).

As per claim 3, Edgar et al disclose wherein the number of created schedulable timeslot segments that correspond to each timeslot are based upon a potential number of timeslot segments associated with each timeslot (i.e., appointments offered within predetermined time slot associated with each route, see column 2, lines 26-27).

As per claim 4, Edgar et al disclose modifying the template such that data that corresponds to at least one of the set of timeslots for the selected day are changed; and updating the created set of schedulable timeslot segments in the data repository to correspond to the changed data (upon acceptance of offered appointment, the time used and time left fields are updated, see column 2, lines 27-29).

As per claim 5, Edgar et al disclose the template identifier identifies one of the days of a week (see column 1, line 65).

As per claims 6 and 7, Edgar et al disclose a schedulable timeslot segment corresponds to a delivery stop (i.e., delivery of a service), and corresponding to an event (i.e., service engineers visiting customer sites, see column 1, lines 8-9).

As per claim 8, Edgar et al disclose the selected day is a date in the future (predetermined window may cover two weeks from the current date, see column 1, lines 66-67).

As per claim 9, Edgar et al disclose the method is used to create schedulable events for a sequence of days in the future (two weeks from the current date, see column 1, lines 66-67).

As per claim 10, Edgar et al disclose the schedulable timeslot segments are sent to another program to be allocated to actual events (appointment booking scheduler 13, see figure 1).

As per claim 11, Edgar et al disclose the actual events are scheduled delivery orders (i.e., delivery of service order from service engineers visiting customer sites, see column 1, lines 8-9).

As per claim 12, Edgar et al disclose the set of possible route types indicates that no routes are available for the selected day (i.e., total amount of free time is zero, see column 2, lines 56-58).

As per claim 13, Edgar et al disclose the set of possible route types indicates a holiday schedule is available for the selected day (see column 2, lines 42-44).

As per claim 14, Edgar et al disclose each route is based upon geographical data (see column 1, lines 48-50).

As per claim 15, Edgar et al disclose modifying the template such that data that corresponds to at least one of the set of routes for the selected day are changed; and updating the created set of schedulable timeslot segments in the data repository

to correspond to the changed data (scheduler uses optimization process to create a new table 30 representing a new set of routes, see column 2, lines 54-56).

As per claim 16, Edgar et al disclose using the determined set of routes to automatically generate in the data repository a set of schedulable timeslot segments that correspond to a different day (done via appointment scheduler).

Claims 17-20 are rejected based upon the rejection of claims 1-3, and 6, respectively, since they are the computer readable medium claims, corresponding to the method claims.

As per claim 22, Edgar et al disclose a schedulable timeslot segment corresponds to a delivery stop (delivery to customer site by service engineer) that is used by an electronic storefront program (scheduling system, including gantt manager interface 15) to schedule a delivery of a product or service.

Claims 24 and 37 are rejected based upon the rejection of claims 1-3, since they are the system and computer readable medium claims, respectively, corresponding to the method claims.

As per claim 25, Edgar et al disclose the available routes, timeslots, and numbers of potential timeslot segments per timeslot are grouped by day of week (tables 30 corresponding to each day of the week, see column 1, lines 64-65).

As per claim 26, Edgar et al disclose the user interface (gantt manager interface 15, see figure 1) comprises a collection of database forms (tables 30).

As per claim 27, Edgar et al disclose the elements comprise a database system (database 11, see figure 1).

As per claim 28, Edgar et al disclose a scheduled timeslot segment for a timeslot, for a route, for a designated calendar day that was created in the data repository is allocated to an order for a product or service (i.e., service engineers visiting customer sites, see column 1, lines 8-9).

As per claim 29, Edgar et al disclose a scheduled timeslot segment for a timeslot, for a route, for a designated calendar day that was created in the data repository is allocated to a particular customer (customer appointment).

As per claim 30, Edgar et al disclose a timeslot segment is allocated to the particular customer based upon a rating system (i.e., the sequence of jobs is based upon the evaluated cost (rating) of the current sequence, see figure 5).

6. Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar et al, in view of Miller, in further view of Ostro (USPN 6,445,976).

As per claims 21 and 23, Edgar et al does not explicitly disclose a schedulable timeslot segment is allocated to an order to delivery groceries, supporting the delivery of a product, and being associated with a distribution facility. Ostro discloses an efficient distribution system for the delivery of products for human consumption (see column 1, lines 49-55), located in a distribution center 1 (see figure 1). Both Edgar et al and Ostro are concerned with efficient delivery of products and services, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include delivery of products from a distribution center, including food products in Edgar et al, as seen in Ostro, thereby

providing both an efficient service and product delivery system, making the Edgar system more flexible and robust in handling customer requirements.

***Response to Arguments***

7. In the Remarks, Applicant argues that Edgar does not disclose wherein the template is a master pattern from which a copy may be made to create the schedule. The Examiner submits Miller, as seen in the above rejection, as disclosing this limitation.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Peterson (USPN 6073108) discloses a task based classification system  
-Haq et al (USPN 6275812) disclose a system for human resource skill management.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ADB*  
adb

*Susanna Diaz*  
SUSANNA M. DIAZ  
PRIMARY EXAMINER  
*AM 3623*